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C O N F I D E N T I A L TUNIS 000168

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STATE FOR NEA/MAG (HARRIS AND HOPKINS)

E.O. 12958: DECL: 02/20/2017

TAGS: [PTER](#) [PHUM](#) [KDEM](#) [PGOV](#) [PREL](#) [PINR](#) [TS](#)

SUBJECT: APPEALS COURT REDUCES SENTENCES OF SOME "SOLIMAN" TERRORISTS

REF: A. TUNIS 78 AND 79

[1](#)B. TUNIS 75

[1](#)C. TUNIS 3

[1](#)D. 07 TUNIS 1620 AND PREVIOUS

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

[11.](#) (C) Summary. On February 21, a Tunis Court of Appeals reduced the December 2007 sentences of eight individuals convicted of involvement in the December 2006/January 2007 terrorist incidents. One of those sentenced to death received a life sentence, two sentenced to life were reduced to 20 and 30 years, and others also had their minor sentences reduced. The trial appeared to be significantly calmer and fairer than the initial judgment (Ref D): the judge questioned the defendants extensively, listened to their claims of torture, and allowed the 40 defense attorneys to present lengthy oral arguments. While defense lawyers argued the defendants should have been acquitted based on flawed evidence, several defendants admitted they supported violent ideologies although they claimed to have undertaken no terrorist acts. Many Tunisians agree that the government was right to deal harshly with suspected terrorists. End Summary.

[12.](#) (SBU) On February 21, after almost two days of non-stop oral arguments and deliberations preceded by three prior sessions, a Tunis Court of Appeals issued a judgment in the case of the "Soliman Group," thirty Tunisians charged with involvement in the December 2006/January 2007 terrorist incidents (Refs B-D). Eight of the defendants, who were convicted and sentenced to punishments ranging from death to five years in prison in December 2007, received reduced sentences from judge Manoubi Hmidane (details para 6). The trial atmosphere was markedly different from the initial trial, with the judge, lawyers and defendants all appearing to seek a calmer and more orderly trial. On several occasions, Hmidane consulted with defense lawyers to allow them sufficient time to prepare their arguments and respond to other defense concerns. Lawyers and observers noted that Hmidane is known as a reasonable judge, although his sentences are generally harsh.

[13.](#) (SBU) During questioning, almost all of the defendants recanted their confessions, which they said were signed under duress and following extensive torture. While some admitted they knew or were associated with the group of six terrorists that crossed into Tunisia from Algeria in early 2007 (Ref B), most denied they had partaken in any terrorist activity. Similarly, defense lawyers argued that ideological support for terrorism or conspiracy was significantly different from the terrorist activity of which most defendants were convicted (Ref C). One defendant, Ali Arfaoui, admitted he knew Lassad Sassi, the leader of the terrorist cell, and agreed with Sassi's plan to attack "Crusader sites" because "Bush and the Zionists are killing Muslims in Iraq,

Afghanistan and Palestine." However, he denied having any details of Sassi's plan and receiving any terrorist training.

¶4. (C) Comment. While lamenting that so many young people could support violent ideologies, most Tunisians seem to agree that the group deserved the sentences they received. Contacts outside the human rights community argue that terrorists cannot be tolerated and should be punished accordingly. However, many civil society activists argue that punishing youth who have adopted violent ideologies is not a long-term solution. As one lawyer argued during the trial, "If they are terrorists and you sentence them to death, they become martyrs." While activists agree that rehabilitation and re-education is the key to preventing the spread of extremism, many in Tunisia, including the government, are yet to be convinced.

¶5. (C) Comment, cont. However, there is growing evidence that Tunisian youth from all backgrounds increasingly support terrorist ideologies (Ref A). An observer at the trial told PolOff that she had attended law school with defendant Mohamed Amine Jaziri. While he was a "rebel" at the time, she pointed to his mother in the crowd and told PolOff the elegantly dressed woman was president of the ruling RCD party office in Sidi Bou Zid, where many of the defendants lived. If educated and privileged Tunisians inside the regime cannot prevent their children from supporting extremism, one has to wonder about the future of the less fortunate. End Comment.

¶6. (U) Those sentences that were decreased on appeal are listed below:

| NAME | DOB | Original Sentence | -- | Appeal Sentence |
|-----------------------|----------|-------------------|----|-----------------|
| Imed BEN AMER | 05/20/73 | Death | -- | Life |
| Osama ABADI | 07/16/82 | Life | -- | 30 years |
| Mohamed BEN LATIFA | 03/15/83 | Life | -- | 20 years |
| Ahmed MRABET | 08/16/84 | 30 years | -- | 20 years |
| Mehdi Haj ALI | 02/28/80 | 12 years | -- | 8 years |
| Nafti BENNANI | 03/30/76 | 6 years | -- | 4 years |
| Mohamed Khelil ZENDAH | 08/19/85 | 5 years | -- | 3 years |
| Zouhair JRIDI | 07/13/80 | 5 years | -- | 3 years |

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GODEC